App.F.IX-4]

1925.

File No. 197-25

Previous References. (Nagpur)

Serial Nos. 5-6

Jmu 197-25 1-4

Later references.

GENERAL & REVENUE SECRETARIAT

Serial Nos. 2-

Part B for August 1926

SUBJECT

Revision petition from Shanmukha, of Hadlee village, praying for a reconsideration of the order dt 29.6.26 re removal of Sri Lakshmeshwara Devaru temple in the village

DC 221 dated 5.8.26

To the Secretary

Ltr of L. See no reason to interfere in the case.

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

D. 1513.
Inw 197-25-5 — Revision petition from Thimmakka w/o Basappa of Hadikere Village in the Davangere Taluka praying for a re-consideration of G.O. dt 14.5.26 relating to the resumption of S.no 163 on behalf of Sri Channa Kesava Devara temple in the village.

I Inw 7 no 197-25 re the subject is submitted. The office-note explains the facts of the case.

2) Jn f.o. no 1464 dt 14.5.1926, Thimmakka's appeal against the M.C's order of dismissal of her petition of appeal.

N.B Should routine notes be written on small slips the notes must be copied, or slips pasted on this form.

G.R.S. [11—3]

1513
M 7 197 — 25

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

against the Dy. Com's order
of the assumption on
behalf of the Chamar-
kesana Tenants in the
Village, of S. no. 163 rep. by
has rejected. She now prays
for a re-Consideration of
this order. Here are no
grounds whatsoever
for a re consideration
of the previous order
for Cancln. May the review
application be
rejected?
16.7.25

This reference is invited
to the office notes in the file put up
below. It will be seen that the whole
case is fully examined & then orders,
rejecting her appeal & Govt. issued. (7 K I).
There are now new grounds for
a reconsideration. This review
petition may be rejected.

Rev. Secy 20/7

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

G.R.S. III—3]

Routine Notes. M-7-197-25

[To be used only for notes, requisitions, etc., not intended for permanent record.]

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4) The points raised by the Petn have already been answered. The order of the DC was obviously passed under section 10 of the Mewar Regulation and ~~Proc~~ the petn below shows that no detailed summary inquiry there is no reason to reconsider this petn for review may be rejected

G2o
23.7.26

CHF SECONDE COUNCIL. 23 JULY 1926 No 497.

2nd member) 5) I agree

G2o
24.7.26

6) Draft

7) Mst for Govt

8) I agree

27/7/26

N B.— Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

G.R.S. III—3]

M·7 197-25 **Routine Notes.**

[To be used only for notes, requisitions, etc., not intended

SC.6. Endt No 2221 & 5.8.26.
to the Petr Minnakker.
States that there
are no grounds for
reconsidering the
previous orders
No 2222 & 5.8.26
Copy to Mr Lowrie

9/8/26

N B —Should routine notes be written on small slips the notes must be copied, or slips pasted on this form.

Mur 197-2 of 25

Revn - Rec'd

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE, BANGALORE.

Muz. Review Petn. No. of 25-2 .

Petitioner.	Vs.	Opponent.
Thimmakka, Wife of Malak-kana Basappa of Hedikere Village, Amritapur Hobli, Tarikere Taluk.		Chennakesavadevaru Temple, Hedikere, Tarikere Taluk.

GOVT. OF MYSORE REV. BR. Mur-2 14 JUN 1926

The petitioner, above named, prays that the Order No. 1464 dated the 1th May 1926, be reviewed on the following grounds :-

1. That the order sought to be revised is based on a misapprehension as if the petitioner had filed an appeal to the Government under Section 91 of the Mysore Revenue Regulation.

2. That the petitioner only sought for a revision of the order passed by the Muzrai Department and prayed that the case be remanded to the Deputy Commissioner, Kadur District for fresh disposal according to law.

3. That the petitioner submits she had raised several legal grounds going to the root of the case (Vide paras 3 to 7) every one of which she would have been able to substantiate, if only an opportunity was granted.

4. That the learned Muzrai Commissioner's order and the Kadur District Deputy Commissioner's order was vitiated by illegalities.

5. That the proper forum for relief was the Government and the petitioner sought for

for intervention under Section 22 of the Regu-

6. That the order of Government does not concern itself with any of the grounds, and her petition is dismissed on the ground that no appeal lies to Government under Section 21 of the Mysore Regulation, while no appeal had ever been filed.

7. That the petitioner has been deprived of even a chance of showing that if granted would have afforded an opportunity for her Counsel to convince the Government that there was an eminently fit case for the intervention of Government.

8. That the petitioner craves leave that her petition dated the 19th January 1926 be kindly perused and her case disposed off on the grounds raised therein after giving an opportunity for hearing.

(? re 14).25).

Adv. for Petr.

ANNEXURES.

P.S.-1. Copy of the order passed by Government No. 1464 Muz.107-25-4

2. Copy of the petition presented to Government dated 19th January 1926.

Bangalore,
14 June 1926.

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read..

Petition No. 798 dated the 12th January 1926 from Thimmakka wife of Basappa, appealing against the Muzrai Commissioner's order of dismissal of her petition of appeal against the Deputy Commissioner's order of the resumption on behalf of Sri Channakesava Devaru in the village, of Survey No. 163 of Hadikere village, Tarikere Taluk, alienated through sale by the Archak thereof.

2. Letter No. 877 dated the 27th March 1926 from the Muzrai Commissioner in Mysore reporting on the subject.

Order No. 1464 Cus 1-file 1925-4

Dated, Bangalore, the 14 May 1926.

From a perusal of the records, Government observe that the order of the Deputy Commissioner appealed against was evidently passed by him in his capacity as Muzrai Officer, as the Appellant Thimmakka's petition dated 21st June 1924 to the Deputy Commissioner itself describes the case as a Muzrai Miscellaneous case.

The order being one under Section 10 of the Muzrai Regulation (though the section has not been specifically mentioned by the Deputy Commissioner in the order), the only remedy open to the parties aggrieved by the order was, by way of filing a suit under Section 13 of the Regulation for cancellation of his order. If the party failed to seek the remedy within the time prescribed by law for the purpose, she has to take the consequences. Under Section 21 of the Muzrai Regulation, no appeal lies to Government against the Deputy Commissioner's order in the case.

The appeal is ~~dismissed~~ accordingly dismissed

Sd/- B. Srinivasa Iyengar,

Secretary to Government,
Revenue Department.

To

The Muzrai Commissioner in Mysore.

Memo No. 1465 dated, Bangalore, the 14 May 1926.

Copy of the above is forwarded to the appellant for information.

By order,

Secretary to Government,
Revenue Department.

C.R.G.

Before the Government of His Highness The Maharaja of Mysore, Bangalore.

Muz. Rev. Peti. No.790 of 25-26

Petitioner.	Vs.	Opponent.
Thimmakka, wife of Malakkana Basappa of Madikere Village, Akrita Hobli, Periakere Taluk.		Chennakeshavadevaru Temple, Madikere, Periakere Taluk.

Under Section 20 of the Mysore Muzrai Regulation 1913, the petitioner, above-named, prays that the order of the Muzrai Commissioner in Muz. Appeal No. 18 of 24-25 be revised for the following among other grounds :-

1. That the learned Muzrai Commissioner erred in dismissing the appeal in-limine under the misapprehension that the learned Deputy Commissioner's order was one under Section 10 of the Muz. Regulation though the latter's order is silent as regards the provision of law under which he proceeded to decide the question before him.

2. That the learned Deputy Commissioner's order was only an order in a Mis. Revenue Appeal under Section 240 I.L.R. and not in any original proceedings.

3. That accepting the view that the learned Deputy Commissioner must have proceeded under Section 10 of the Muzrai Regulation there is really no order under Section 10, till the procedure contemplated by the Section is observed, and this not having been observed (as the petitioner submits in the following para) the learned Muzrai Commissioner ought to have remanded the case to the Deputy Commissioner for proper disposal according to law.

4. That section 10, Muzrai Regulation contemplates a preliminary enquiry by the Muzrai Officer himself.

5. That if the learned Deputy Commissioner chose to invoke the provisions of the Muzrai Regulation to render relief to the villagers who alleged that the property

property belonging to the opponent had been wrongfully alie
shall proceed to hold " a summary enquiry in accordance with the
provisions of the Bombay Land Revenue Code".

6. That the only enquiry that was conducted was the one conducted by the Amildar, who is not at all a Muzrai Officer (vide section 5 of the Inam Regulation).And has not the authority to conduct any enquiry (vide R 101 L.R.R.

7. That the learned Deputy Commissioner only acted upon the the enquiry conducted by the Amildar, Tarikere Taluq and any order based on such an enquiry not being a legal order the petitioner prays that the order of the learned Deputy Commissioner, in which is not interfered with by the learned Revenue Commissioner be revised and the case remanded for fresh disposal according to law.

P.S. That as the order of the learned Revenue Commissioner is not communicated, the petitioner has filed this Revenue petition at the earliest opportunity after she was informed that an order had been passed, and after confirming the information by applying for the copy of an order which annexed herewith.

Advocate for Petitioner,

Bangalore,
January 1951.

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Section Misc

File No. 197-25

Serial No. 6

No. 221.

Diary No. of letter replied to.....

To

....

General and Revenue Secretariat

( )

the *192*

Endorsement granted to Nanjamakka wife of Basappa of Hadikere village, Tarikere Taluk, with ref. to her Review application no. 1673 praying for a re-consideration of Govt. order no. 1464 dt. 14th May 1926 in the matter of the resumption on behalf of Sri Channa Kesava Devara temple of S. no. 163 of Hadikere village, Tarikere Taluk, alienated thereto for sale by the Collector of Tumkur.

Date of issue 5-8-26

Signed by Navaneetham Naidu for J.

List of enclosures.....

Copied by.....

Examined by.....

over

WD 01265—GPB—31,000—24-12-25

The petn is informed
that Govt see no reason
to reconsider the case.

~~The petition dt 14th May 1926~~
Her petition is rejected
by order.

Sd/-
for Secretary.

No 2229 S.R. dt 27.7.26
Copy forwarded to the Insp.
Comr in Cmbr of f.o.rs.
1464 dt 14.5.926.

By order,

Sd/- Dy Secretary
27-7-26

G R. S. 59]

GENERAL AND REVENUE SECRETARIAT.

1913.

(Miscro)

File No. 197-13

Serial Nos. 1 & 2

Papers Filed.

Month Nov 13

SUBJECT.

Santarpani at Subramanya Swami Car festival at Ramanathapuram in Kalgud Taluk

PREVIOUS REFERENCES.

LATER REFERENCES.